

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LEANDER GEORGE DAVIS	:	CIVIL ACTION
	:	
v.	:	
	:	
SUPERINTENDENT KYLER, et al.	:	NO. 02-07998-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

January 29, 2007

On July 7, 2003, pursuant to the Report and Recommendation of Magistrate Judge Melinson, this court denied the petitioner's application for a writ of habeas corpus, and denied that there was probable cause to issue a certificate of appealability. On December 23, 2003, the United States Court of Appeals for the Third Circuit denied a certificate of appealability and the record was returned to this court.

On February 22, 2005, petitioner filed a "Motion for Relief from Judgment." On March 22, 2005, this court entered an order denying the Motion for Relief from Judgment.

On November 9, 2005, petitioner filed a motion for an extension of time for filing a notice of appeal. That motion was denied on March 13, 2006. On April 13, 2006, petitioner filed a notice of appeal, and the appeal was docketed as of April 19, 2006. On the same date, April 19, 2006, petitioner filed another "Motion for Relief from Judgment." While there is room for doubt that this court now has jurisdiction to rule on the motion, in the interest of completing the record, and to remove any

lingering uncertainty, the latest motion will now be denied. Petitioner's claims have been firmly rejected by the Third Circuit Court of Appeals, and there is simply no basis for permitting a further untimely challenge to those rulings.

An Order follows.

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ORDER

AND NOW, this 29th day of January 2007, IT IS ORDERED:

That petitioner's "Motion for Relief from Judgment"

(Dkt. No. 32), filed April 19, 2006, is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.